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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/720,865

11/24/2003

William P. Camp JR.

03-03-us

5679

7590  
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03/19/2007

EXAMINER

CASTELLANO, STEPHEN J

ART UNIT

PAPER NUMBER

3781

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

03/19/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/720,865

Applicant(s)

CAMP, WILLIAM P.

Examiner

Stephen J. Castellano

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3781

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 February 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5-7, 11, 12, 16 and 21-35 is/are pending in the application.
- 4a) Of the above claim(s) 34 and 35 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-7, 11 and 12 is/are rejected.
- 7) ☐ Claim(s) 12 is/are objected to.
- 8) ☒ Claim(s) 34 and 35 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

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Newly submitted claims 34-35 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 34 is directed to a combination of a baby bottle and a container capable of holding the baby bottle and maintaining the temperature of the baby bottle within a compartment of the container.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 34 and 35 have been withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim 12 is objected to because it depends from itself. Claim 12 is incomplete.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 12, 30-33 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 is incomplete because it depends from itself.

Claim 30 recites the limitation "each recess" in line 10. There is insufficient antecedent basis for this limitation in the claim.

Claim 31 recites the limitation "said latch" in line 1. There is insufficient antecedent basis for this limitation in the claim.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are

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such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 5-7 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dooley in view of Lytle and Ragland.

Dooley discloses an insulated container comprising a container body (60) a lid (48) and an insulating layer (64) and a liner (62) configured to be removable and reusable and fits substantially within the container body wherein the liner is manufactured from a rigid material. The insulating layer (62) has an insulated partition (sloped section 66 which consists of a top wall and two walls which extend downwardly from the top wall) separating the insulating layer into two compartments or coupling cavities. The liner 62 has a channel fitting over the insulating partition and a lip at the upper edge. Dooley discloses the invention except for latches. Ragland teaches a latch to removably attach a full height liner. Lytle teaches latches on oppositely disposed upstanding wall for a partial liner (as it extends only at the topmost portion of the interior of the container body). It would have been obvious to add the plurality of latches to opposed upstanding walls to secure a removable liner with a body cavity to allow separate cleaning of a soiled liner or allow separate replacement of a damaged liner. Lytle's liner discloses the flexible arm and hook received within a slot arrangement and open area between the channel formed by the upper lip and sidewall of the liner and the inner surface of the body sidewall that can vent trapped air.

Claims 11, 12, 16, 21-23, 30 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dooley in view of Gale.

Dooley discloses the invention except for the recess in the underside of the lid. Gale teaches a recess on the underside of a lid aligned with a corresponding cavity for supporting an

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upright object (e.g. wine bottle). It would have been obvious to add the recess on the underside of a lid to provide a lid support to an upright object to prevent falling of the objects and possible damage from similar objects being broken during bumpy transport.

Re claims 12 and 33, it would have been obvious to modify the bottle bottom recess engaging projection to be domed shape as a matter of design choice.

Re claims 16, 21-23 and 30, three horizontal cross sections taken at three different heights of the bottom cup portion of Gale would lead to three cylindrical portions having three different diameters. It would have been obvious to modify the dimensions of the cup to hold a plurality of different sized containers because it is known that all containers do not have the same diameter and it would have been obvious to select three diameters which correspond to the dimensions of bottles to be transported.

Claims 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dooley in view of Lytle and Ragland as applied to claim 24 above, and further in view of Gale.

The Dooley-Lytle-Ragland combination disclose the invention except for the differently sized portions of the coupling cavity. Gale teaches the cup with differently sized cylindrical portions. It would have been obvious to modify the dimensions of the cup to hold a plurality of different sized containers because it is known that all containers do not have the same diameter and it would have been obvious to select three diameters which correspond to the dimensions of bottles to be transported.

Re claim 26, the polygonal shape would have been obvious as a design choice shape modification.

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Claims 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dooley in view of Gale as applied to claim 30 above, and further in view of Lytle and Ragland.

Dooley and Gale are applied as previously discussed in the rejection of claims 11, 12, 16, 21-23, 30 and 33 above. The Dooley-Gale combination discloses the invention except for the latches and the channel. Lytle and Ragland teach the latches and channel. It would have been obvious to add the latches for securing a removable liner. It would have been obvious to add the channel to allow venting so that the liner more easily slides with respect to the body when being inserted and removed.

Applicant's arguments with respect to claims 5-7, 11, 12, 16 and 21-33 have been considered but are moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

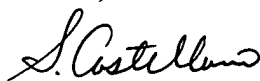
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen J. Castellano whose telephone number is 571-272-4535.

The examiner can normally be reached on increased flexibility plan (IFP).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anthony D. Stashick can be reached on 571-272-4561. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Stephen J. Castellano  
Primary Examiner  
Art Unit 3781

sjc